Equality of Opportunity and Freedom from Discrimination

MHR Connections

Published by the Manitoba Human Rights Commission

Volume 14 Number 12 *December 2014*

THE MANITOBA HUMAN RIGHTS COMMISSION

LA COMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

www.manitobahumanrights.ca

Recognition for those promoting human rights

The Manitoba Human Rights Commission's Communications Director Patricia Knipe assists ten-year-old Yafa Abdulla light a candle, the worldwide symbol for human rights.

People started streaming into the awards reception half an hour before it officially opened. By the time the ceremony began, over 130 people were there to honour, congratulate and get to know the 2014 Human Rights Award recipients.

Executive Director of the Manitoba Human Rights Commission Azim Jiwa welcomed everyone. He explained that the theme for International Human Rights Day this year is Human Rights 365, encompassing the idea that every day is Human Rights Day. "It is a great theme and I can assure you that this year's recipients have in fact worked every day towards improving the lives of others."

Sherri Helgason, the Director of the Aboriginal Initiative with the Canadian Human Rights Commission was the first host of the evening. She invited ten-year-old Yafa Abdulla to light the traditional Human Rights Candle.

She then spoke of the 2014 recipients of the Human Rights Commitment Award of Manitoba. "They have seen injustice and fought against it. They have seen potential and helped others achieve it. They have seen a need, and filled it."

The first recipient Althea Guiboche, also known as the "Bannock Lady," was introduced by former MHRC Chairperson Jerry Woods.

Althea Guiboche accepts her award from Jerry Woods.

In his introduction to Ms Guiboche, he said, "All successes are applauded but there is no doubt that one person's efforts galvanized support to improve circumstances for Winnipeg's most vulnerable, by a remarkable gesture of making bannock and distributing it to Winnipeg's homeless population every week."

Althea Guiboche said she was both humbled and honoured to receive the award and thanked those who have helped her along the way.

The second recipient of the Human Rights Commitment Award of Manitoba was PRIDE Winnipeg. In introducing the group, Estelle Lamoureux who is a Board Member of the

continued on page 2

The Rights Connection
by Azim Jiwa - Executive Director

Annual Reports can be mysterious, but they do serve the purpose of documenting years of work by a company, government or organization.

One of the purposes of our annual report is to gather information on the number of complaints of discrimination the Commission handles every year and offer a snapshot of the type of discrimination that still exists.

The 2013 report characterizes ongoing sexual harassment as unacceptable and worrisome. In 2012 it also pointed out the rising number of sexual harassment cases going to a public hearing.

Undoubtedly there is a lack of awareness or an unwillingness to understand the consequences of harassment. Yet there was a victory. Over the last two years, adjudicators have brought Manitoba in line with compensation awards made in the rest of the country for injury to dignity and self respect.

The release of the 2013 annual report coincides with a public hearing decision earlier this month, awarding $15,000 in damages to dignity and $5,000 in exemplary damages and over $16,000 in lost wages to a woman who was sexually harassed in Winkler Manitoba (see page 2). Ironically the 2013 report referred to the highest human rights damage award in the history of Manitoba at that time which was $7,750.00 for damages to the complainant's dignity, feelings and self respect.

The 2013 report also looked at another trend.

During the last three years, complaints based on ancestry have gone up from 8 per cent (2011) and 14 per cent(2012) to 17 per cent (2013) of the total number of complaints.

Some of these complaints are filed by Aboriginal people, but more than half are not. The increase in this category of complaints is somewhat disturbing as the existence of racism in Canada is frequently denied.

The 2013 report also noted a growing confusion on the part of the public as well service providers, employers and rental property owners with regard to service animals and the obligation to provide access. We have since conducted a series of public consultations seeking input into this evolving area of human rights.

Our goal continues to be to act on the findings in our annual reports.

The 2013 Annual Report is on the Commission's website www.manitobahumanrights.ca.

continued from page 1

Winkler woman subjected to sexual harassment

A Government appointed human rights adjudicator has found that a woman was sexually harassed by the owner operator of a UPS franchise, in Winkler Manitoba.

In his decision, Adjudicator Peter Sim wrote that Mr. Douglas Homick was in a position of power "and repeatedly abused his power to degrade and humiliate the complainant."

Since the impact of the harassment on the woman was severe, he awarded her $15,000 in compensation for the injury to her dignity and self respect. "The harm she suffered went beyond simple injured feelings and included anxiety, depression, flashbacks and panic attacks which continued for several years," he wrote. He also noted that the complainant feared for her job and livelihood at the time of the harassment and was subjected to a constant stream of sexual innuendos as well as more egregious physical contact.

In this case, the Human Rights Commission lawyer Isha Khan also sought exemplary damages. Although rarely awarded, Adjudicator Sim agreed, writing that there was "ample evidence of malice and recklessness" and awarded a further $5,000 to the complainant, and over $16,000 in lost wages because she was forced to leave the workplace due to the harassment.

Executive Director of the Manitoba Human Rights Commission Azim Jiwa is pleased that Adjudicator Sim has brought Manitoba in line with compensation awards made in the rest of the country for injury to dignity and self-respect. "The Commission has been arguing in front of adjudicators for over ten years in favour of awards that recognize the severity of the harassment and the impact on the particular complainant in the circumstances. Up until now Manitoba has not always been in line with amount awarded elsewhere in the country," he said. "Adjudicator Sim has brought to the public's attention that awards in such cases in other provinces, can range from $12,000 to $50,000."

The respondent, Mr. Homick did not attend the hearing. In such situations Ms Khan has the responsibility of presenting all relevant evidence found in the investigation as no defence is offered. "Although Mr. Homick was given every opportunity to participate in the adjudication process, he did not. The Commission has an obligation to present evidence that is relevant, whether it supports the complainant's allegation or does not," said Mr. Jiwa. "It is also important to know that the Commission will not be deterred when a respondent is not cooperating."

Adjudicator Sim also addressed two important points of public interest. First he acknowledged that a complainant does not have to express an objection to the acts of harassment at the time they occur and second; the aim of a human rights award is to put the complainant in the position she would have been in, had she not been harassed.

The complete decision can be found on the Commission's website www.manitobahumanrights.ca.

The PRIDE Winnipeg Committee (centre Jonathon Niemczak)

Manitoba Association for Rights and Liberties looked at its achievement reflecting on the first PRIDE Parade in Winnipeg back in 1987. "The courage of the volunteers cannot be overlooked; hoping not to be identified, hoping not to be physically and verbally assaulted, hoping that others would one day join them; and they did."

Accepting the Award on behalf of Pride Winnipeg President Jonathon Niemczak spoke of the volunteers over the years who helped build PRIDE Winnipeg to what it is today. He singled out Jason Douglas the former Community Liaison Director who diligently worked to bring PRIDE above the 55th parallel. PRIDE North debuted in 2013.

Rana Abdulla with her husband at the awards reception.

The third recipient, Rana Abdulla is a child of Palestinian refugees, born in Kuwait. She was introduced by Manitoba Human Rights Board of Commissioners Board Member Joan Hay as a mother, a chartered accountant and a person who has a "profound desire for advancing the cause of human rights and respect of those immigrants and refugees who have found a new home in Canada." During her acceptance Rana Abdulla said, "I have met so many refugees; they are the most amazing people - especially their children who have seen their families murdered in front to them, lost their homes or have been physically attacked. Yet somehow their spirits are unbelievably unbroken."

Alana Robert explains why human rights work is important to her.

The awards ceremony concluded with the next host Choloe Chapple, Executive Director of the Manitoba Association for Rights and Liberties introducing the amazing recipient of the Sybil Shack Human Rights Award, Alana Robert.

Ms Robert spoke eloquently of why she took up her work with Justice For Women, Métis Issues and World Vision, helping to raise $19,000 for the development of girls' education projects around the world. "I believe that leaving a mark makes the world a better place than when we found it."

The Manitoba Human Rights Commission, The Manitoba Association for Rights and Liberties and The Canadian Human Rights Commission congratulate the 2014 recipients and all the nominees for advancing human rights.